

Al Hayat Center for civil society is a leading Jordanian non-governmental civil society organization. Al Hayat aims to promote accountability, governance, public participation and community cohesion in Jordan and the region within the framework of democracy, human rights, and the rule of law, taking into consideration gender mainstreaming in public policy and action. Al Hayat is submitting this report to respond to the Human Rights Committee on the follow-up to the concluding observations on its fifth periodic report.

Paragraph 11

Al Hayat centre for Civil Society Development promotes and raises awareness on women's rights, gender equality and women empowerment. Al Hayat believes in empowering women to overcome gender inequalities and discrimination against women. Empowering women to be financially stable and take leadership positions in decision making decreases the percentage of women abuse. As the centre initiates related programs, studies, workshops, and reports regarding it.

- a) **Strengthen the legal framework for the protection of women against domestic violence by, inter alia, amending article 292 of the Penal Code to criminalize marital rape and removing the grounds for mitigating circumstances for honour crimes;**

The Penal Code was amended in 2017 by the government to punish all forms of sexual harassment under article 306, with provision for community service as an alternative to imprisonment and harsher penalties for crimes against women. Honour crimes were abolished by amending article 98 to add that the perpetrator will not benefit from mitigating circumstances if the act is committed against a female in a fit of fury. In addition, article 99 was amended to establish harsher penalties by providing that, if the court takes mitigating circumstances into account, for offences that are punishable by death, hard labour for life or life imprisonment, it may reduce the criminal penalty by no more than one third and does not have to commit to a minimum penalty.

- Despite these amendments, the annual number of such crimes in Jordan has not decreased, "It is as if the amendment of the law is not considered in the eyes of the perpetrators."¹ Several civil society organizations announced an increase in cases of domestic violence against women during the Corona pandemic, with more than 800 cases of violence received by the (Iffat) Guidance Centre and Sisterhood is Global Institute Jordan (SIGI) in three months (a close number to

¹ alaraby.co.uk في الأردن بين القانون والمجتمع "الشرف" جرائم

what the association has received in 2019 in full) over the phone and social media sites, including cases of violence against women and girls, Jordanian and non-Jordanian, as well as a large number of cases requiring material and in-kind assistance.² As well as 17 murder cases of women in 2020 according to SIGI.³

- But the provision leaves a loophole, however, under article 340 through which judges continued to impose mitigated sentences. Even if article 340 has also been amended. The amendments to this article do not prevent it from being used to reduce a sentence for honour killings, but now allow it to be used for crimes committed by women.⁴
- Furthermore, article 99 of the Jordanian Penal Code⁵ can also be used by the court to reduce a sentence if family members of victims did not support prosecutions of their male family members. Indeed, article 99 allows judges to reduce a prison sentence by half if they consider that there are "mitigating factors" to the crime. There is no definition of "mitigating factors" and therefore this article is sometimes used in the case of honour killings by the Court.⁶
- On 12th May 2020, the Department of Family Protection announced a 33% increase in domestic violence cases during the first month of the curfew in Jordan compared to the same period in 2019.

(b) Revise its policy of protective custody and take all appropriate measures to ensure that women fleeing domestic violence have access to shelter and support without jeopardizing their liberty;

The shelters “Family Protection” and “Amna” were built for women in danger and women in administrative detention to protect them in temporary accommodation. However, the policies governing the majority of these shelters are unclear, which can lead to gaps in safety. These shelters are no different than prisons.

- “It is also possible for women to leave shelters with authorization from their legal guardian — usually a father, husband, or brother — while, statistically, the highest rates of violence against women come from these family members.

² [جمعية – كورونا ظل في والفتيات النساء ضد العنف وزيادة 2020 بداية منذ الأردن في النساء بحق أسرية قتل جريمة 17: تضامن \(sigi-jordan.org\) الأردني النساء تضامن معهد](#)

³ [جمعية – كورونا ظل في والفتيات النساء ضد العنف وزيادة 2020 بداية منذ الأردن في النساء بحق أسرية قتل جريمة 17: تضامن \(sigi-jordan.org\) الأردني النساء تضامن معهد](#)

⁴ [Honor-crimes-in-Jordan-between-legislation-and-womens-experience_final.pdf \(achrs.org\)](#)

⁵ [: بالبشر الاتجار لمنع الوطنية للجنة \(ahtnc.org.jo\)](#)

⁶ [Honor-crimes-in-Jordan-between-legislation-and-womens-experience_final.pdf \(achrs.org\)](#)

- In February 2019, Amnesty International visited Juweideh prison, the main women’s prison in Jordan, and met 22 women jailed without charge or trial who said they were arrested for “absence” or accused of Zina (adultery or fornication). Most said they had been imprisoned for months and were waiting for a male family member to “bail” them out. As recently as September 2019, informed sources confirmed to Amnesty International that at least 30 women remained detained in Juweideh for “absence” and adultery.

(c) Develop and implement more effective training programmes for law enforcement officers, judges, prosecutors and lawyers, as well as for employees of the Administrative Governor’s department related to family protection, and provide assistance to victims of domestic violence;

Hayat – RASED conducted many trainings and shared policy papers about women political participation with lawyers and CSOs in round-table sessions.⁷

(d) Conduct awareness-raising campaigns to combat violence against women, including domestic violence, undertake research on the root causes of violence against women and use such research as a basis for enhanced awareness-raising efforts to prevent and eliminate violence against women.

Hayat – RASED believes that empowering women can reduce the cases of violence against them, therefore the centre runs many projects targeting women and empowering them, socially, economically, and politically; in terms of participating in the parliamentary and local administration elections.⁸ Below are some of the projects implemented by Hayat RASED:

- Countering the cyberbullying facing women political activists 2020:⁹

It aims to counter cyber-bullying that targets female political activists across Jordan. Research was conducted on “The impact of Cyberbullying on women political activists in Jordan”. The research was discussed in a national conference among the presence of women activists, women MPs, gender specialists, media, government officials, political parties, former women ministers, women members of the local councils, government’s gender focal points and international organizations.

⁷ [\(2\) راصد الأردن | RASED Jordan - Posts | Facebook](#)

⁸ www.hayatcenter.org + www.rasedjo.com

⁹ rasedjo.com) نتائج دراسة التنمر الإلكتروني على السيدات الناشطات في وسائل التواصل الاجتماعي | راصد

- Women and violent radicalization in Jordan Report – UN Women & the Jordanian National Commission for Women.¹⁰
- Assessment Report the Implementation of the Comprehensive National Plan for Human Rights 2016 - 2025¹¹
- Training Activities for Women who Intend to run in Jordan 2020¹²
- Empowering Women for Leadership Positions Project FOF2 -2020
- Empowering Women in Local Administration Project 2019
- Building Partnerships among Community and Youth Leaders in Jordan to Counter Recruitment 2018-2019
- Empowering Women for Leadership Positions Project FOF1 2018
- Female Participants and Candidate Initiative 2017
- Empowering Jordanian women in local government 2017
- A Quantitative Study on Jordanian Women Peer-Education Sessions 2016
- A Qualitative Study on the Female Municipality Members' Perspective on the Challenges Faced by Women in the Jordanian Society 2016
- Women's Democratic Empowerment 2016
- Advocacy Campaign to Raise Women's Awareness on Municipalities and Governorate Councils draft laws (Cup of Coffee) 2015

¹⁰ [Al-Hayat Center - View Publications](#)

¹¹ [Human Rights Report.pdf](#)

¹² [Al-Hayat Center - View Publications](#)

Paragraph (19)

The Committee reiterates its recommendation (see CCPR/C/JOR/CO/4, para. 11) that the State party amend the Act on crime prevention in order to put an end to the practice of administrative detention. In the meantime, the State party should take concrete steps to significantly reduce the number of people held in administrative detention. Moreover, the State party should ensure that those held in administrative detention have access to an independent and impartial court with the power to rule on the legality of their detention. It should allow increased access for independent visits to all places of detention, including the facilities of the General Intelligence Directorate.

The Jordanian government has set regulations and rules to ensure the integrity and reliability of the administrative detention process. On the other hand, opinions differ about the reliability of the administrative detention process in terms of the temperament and diligence of the governor or administrator.

Human rights organizations and civil society organizations have called for a review of the administrative detention law, and that the law is no longer compatible with the course of life and its development, especially since the last amendment to it was since 1954, and stresses that it is unacceptable and has been widely used to restrict the freedom of girls and women for long periods under the pretext of protection from the possibility of being abused and killed.¹³

It also called for the immediate cessation of the administrative detention, and the release of all administrative detainees, with the provision of means of protection for them, and the issuance of directives and instructions stating that Article 3 of the Crime Prevention Law does not allow the arrest of women or any other persons for reasons related to their protection.

According to what the Crime Prevention Law No. (7) of 1954 and its amendments included, several restrictions that prevent the administrative ruler from using the authority granted to him under this law, as Article (12) specified the period of detention available to the administrative ruler for a period not exceeding one year or to submit a pledge to good conduct.¹⁴¹⁵

A synthesis of human rights report issued by 17 civil society organizations indicated that the administrative detention based on the Crime Prevention Law is a clear infringement on the judiciary and its independence, an assault on the separation of powers, and a violation of human freedom. It also contradicts fair trial guarantees, which requires either repealing the law, or amending it so that it does not allow the misuse of administrative detention to disrupt the protection system.¹⁶

According to the National Center for Human Rights, it has mentioned 37,683 “administrative” people in 2018, 34,952 the year before, and 30,138 in 2016 refer to cases of administrative detention, which clearly means the rights of citizens.¹⁷

¹³ <https://www.sigi-jordan.org/?p=10778>

¹⁴ <https://www.sigi-jordan.org/?p=10778>

¹⁵ http://menarights.org/sites/default/files/2016-11/JOR_CrimePreventionLaw_1954_AR_0.pdf

¹⁶ <https://bit.ly/3Bhmi7a>

¹⁷ <https://bit.ly/3i6Euc5>

The administrative detention of women is controversial in Jordanian society because society does not accept the idea that women are imprisoned. Similarly, "SIGI" directed the call of the Public Freedoms Committee in the House of Representatives to end the administrative detention of girls and women, according to their statistics, the largest percentage of women arrested and released from women's reform and rehabilitation centers are administratively detained and released, according to the Crime Prevention Law No. 7 of 1954, which gives administrative rulers, governors and administrators, the power to arrest persons administratively, and women in administrative detention constituted 37.5% of the center's female residents during the month of August 2019, they have monitored the presence of a 78-year-old woman who has been in administrative detention for nearly a month.¹⁸

"The former Minister of Interior Mazen Al-Qadi said that the current conditions that the region is going through locally, regionally and internationally, a crime prevention law has been approved, and this law has been amended more than once, and it is now at the narrowest extent for the administrative rulers. He also added that the problem is not in the law, but in its application, as the administrative ruler sometimes deviates from the legal text, so this law is denounced by the citizens. He also indicated that under the current circumstances, there is no reason to amend or repeal this law. Rather, it is a refinement and consideration of this law."¹⁹

The new government has shown serious attention to reconsidering the issue of administrative detention by instructing governors to review the reasons for arresting administrative detainees and to release those whose release from prison does not pose a danger to society or themselves.²⁰

"Minister of Interior said that 661 administrative detainees who were not dangerous persons who were arrested in the security campaigns were released, and the time they spent in reform and rehabilitation centers was satisfied, with the aim of giving them the opportunity to reintegrate into society and reduce overcrowding in prisons".²¹

The government committed to reducing administrative detentions and reclassified cases and clauses on this subject, for example; The Minister of Interior stated: "No one will be administratively arrested for drug use".²²

End of Report

¹⁸ <https://www.sigi-jordan.org/?p=10778>

¹⁹ <https://ifranews.com.jo/article/322891>

²⁰ <https://bit.ly/3Bjjqaa>

²¹ <https://ifranews.com.jo/article/322891>

²² <https://bit.ly/3erxunR>